

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare-Khammam District- Revision Petition filed by Smt. Bandaru Ramulamma W/o Venkanna, Gopalraopet (V) Pinapaka (M), Khammam District - against the Orders of the Additional Agent to Government in C.M.A No:108/2005 dated:27-10-2007 - Dismissed - Orders – Issued .

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 21

Dated: 29-04-2017,
Read the following:-

1. Revision Petition filed by Smt. Bandaru Ramulamma W/o Venkanna, Gopalraopet (V) Pinapaka (M), Khammam District, dt: 02.11.2008.
2. Govt.Lr.No.10460/TW.LTR.2/2008, dated 20.11.2008
3. From the AAG to Govt. Lr.Rc.No.10460/LTR.2/2008 (CMA.No.108/2005), dated 04.05.2012.

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ORDER

In the reference 1st read above, Smt. Bandaru Ramulamma W/o Venkanna filed Revision Petition was filed by aggrieved by the orders of the Addl. Agent to Government, Bhadrachalam in CMA.No.108/2005 Dt:27.10.2007 in respect of Acres 4-11 cents in Survey No: 512/46/E/1, 512/46/E, 512/46/EE, 512/46/49 of Pinapaka (V&M).

2. In response to the reference 2nd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records to Government vide reference 3rd read above.

3. The Main grounds of the case are that the Spl. Dy.Collector(TW) Bhadrachalam initiated Suo-moto proceedings in LTR case No. 219/2001/PNK between Vutukuru Anand Rao, Vutukuru Venkateswar Rao, Vutukuru Samrajya Laxmi, Vutukuru Narasimha Rao as petitioners and Seru Adhireddy, Bandaru Ramulamma as Respondents stating that the property in question was purchased only after coming into force of Regulation 1 of 1970 i.e., 3.2.1970 and thereby declared that the said transfer is hit by Regulation 1 of 1970. The Appellants appeared before the appellate court and placed all the documents. i.e., certified copies of the pahanies for the years 1968-69, 1974-75, 1982-83, 2002-2003, 2003-04 and the Appellant have also filed recent adangals showing the names of the appellant as owner of the suit schedule property and the said documents were not at all taken into account for the purpose of came into Possession of the said lands on the ground that the Appellant is enjoyer and vutukuri Raghavendra Rao was shown as pattadar. The Spl. Dy.Collector(TW) Bhadrachalam) passed ejectment orders on 14.3.2005. Against the said orders the CMA No. 108/2005 was filed before the Addl. Agent to Govt. Bhadrachalam and after due enquiry the appeal was dismissed in his order dated 27.10.2007.

4. The Agent to Government has furnished remarks as follows:

- That the Revision Petitioner purchased the land from Vutkuri Raghavender Rao through sada sale deed dated 10.3.1967 and his name was entered in Revenue Records for the year 1968-69 as possessor of the land. The Revision Petitioner herein filed a Xerox copy of alleged sale which is on white paper. The said sale is unstamped unregistered cannot be treated as sale and consequently he cannot acquire any title through the said white paper. On other hand the Xerox copy of said sale deed is inadmissible in evidence. The Revision Petitioner himself admitted that his possession was shown as enjoyer in pahani for the years 1968-69. the possession is not sufficient. The pattadar is different. The pahani for the years 1995-96 2002-03 and 2003-04 shows that Vutukuri people are pattadar and Smt Bandaru Ramulamma shown as enjoyer by way of sale is a sufficient proof that her possession is in violation of the Regulation. The alleged sale is prior to 1970 her name would have been recorded in pattadar column and enjoyer column.

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- Without any complaint from the vendor suo-moto case was initiated and documents filed by the Revision Petitioner is not considered. As per law LTR case can be initiated suo-motto or an application. There is no necessity to have a complaint from the original vendor. The pahani copies filed by her do not show that she is the pattadar prior to the Regulation. In recent pahanies also the Revision Petitioner's name will not find place in pattadar's column. As per the said records the Revision Petitioner's possession is against the law.
- The Revision Petitioner stated about the constitution and regulation will apply only when transfer is made after 3.2.1970. It is already submitted the Revision Petitioner failed to establish her lawful possession prior to the regulation. The document filed by her (white paper sada sale and pahanies) cannot establish that her purchase the land prior to the regulation. As per the records she is in possession of others patta land after the Regulation only, which was clearly registered in pahanies.
- The Appellant has stated that he was purchased the suit land in the year 1967 and he is in the enjoyment since year of purchase. He has Photostat copies of pahani extracts for the years 1968-69, 1974-75, 1982-83, 2002-2003, 2003-04. pahani extracts reveals that Smt Bandaru Ramulamma is the enjoyer. Vutkuri Raghavender Rao shown as Pattadar. In all the pahanis filed by the appellant clearly shows that Vutkuri family is the pattadar. But nowhere at the present appellant is shown as Pattadar. On the other hand in 15th column of the pahani for the years 1995-96, 2002-03 and 2003-04 shows it is under sale. That means it is clear and evident that the sale transaction has taken place from 1995 which is after regulation. If the appellant really purchased the suit land in the year 1967 his name would have been find place in pattadars column as well as enjoyer's column.
- The matter stood thus, Smt Bandaru Ramulamma has filed WP. The Hon'ble AP High Court made order in its WP No. 26119 of 2008 that this court is of the view that this Writ petition can be disposed of at the stage of admission directing the first respondent i.e., the Government of Andhra Pradesh to pass appropriate orders in the stay petition filed along with the Revision Petition within a period of four weeks from the date of receipt of a copy of this order. Pending consideration of the same, the respondents are hereby directed not to interfere with the possession and enjoyment of the petitioner over the petition schedule property.

5. The Revision Petitioners main plea is that she has purchased the land to an extent of Ac.4-11 gts in S.Nos 512/46 and 512/49 in Pinapaka (v) & (m) from Sri.Vutukuru Raghavender Rao through a sale deed Dt: 10.03.1967 and that she has been in continuous position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.

6. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before this authority as well as before the Addl.Agent to Govt it is observed that; 1) the purchase of land in Sy.No's 512/46 and 512/49 is witnessed by only a copy of sada sale deed/sale agreement dt: 10.03.1967 on plain paper. The same can be created at a later date also as if it was executed on 10.03.1967. Hence the sada sale deed cannot be treated as valid document for transfer of property. The Revision Petitioner should have got it registered in the same year, if the transaction was not really hit by land regulation Act in schedule Area.

7. Government after careful examination of the matter found that the claim of the Revision Petitioner is not sustainable and in case she is in continuous possession of the land in question she should have produced pahani copies for the years 1968-69 to till date. But the Revision Petitioner could produce only few with certain breakups i.e. she is able to produce pahanis only for 68-69, 74-75, 82-83,

95-96, 2002-03 and 2003-04. The issue of pattadar passbooks after 1995 is also not valid, hence the

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Revision Petition filed by Smt Bandaru Ramulamma W/o Venkanna is hereby dismissed and upheld the orders of Addl-Agent to Govt, Bhadrachalam.

8. The Project Officer, ITDA and Additional Agent to Government, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

- 1) Smt. Bandaru Ramulamma W/o Venkanna,
Gopalraopet (V) Pinapaka (M), Khammam District.
- 2) The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Special Dy. Collector (TW), Bhadrachalam,
Bhadradi Kothagudem District for information and necessary action.
The Tahsildar, Pinapaka Mandal, Khammam District for necessary action.
P.S to Minister (TW)/P.S. to Prl.Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER